

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

DATE OF DECISION: 2.11.2006

PRTC

...Appellant

versus

Kapil Kumar Sood

... Respondent

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr. Justice Mahesh Grover.

Present: Mr. Balwinder Singh, Advocate
for the appellant

UMA NATH SINGH, J. (ORAL)

1. This FAO arises out of an award dated 7.8.2006 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Ludhiana, in MACT Case No.72 of 19.10.2004, awarding a sum of Rs.1,05,035/- in an injury case.

2. Learned counsel for the appellant submitted that the medical bills of Rs.90,535/- accepted by the Tribunal have not been properly proved; there was a delay in lodging the FIR, and Naresh Kumar (PW13), on whose statement a reliance has been placed, is not a witness in the criminal case. The statements of witnesses about the description of the vehicle are also at variance with each other.

3. We have carefully considered the submissions of learned counsel for the parties, and also examined the award. The Motor Vehicles Act is a beneficial piece of legislation and the appellant has taken a plea of complete denial of the accident. The owner-appellant has not produced the

driver of the offending vehicle in the witness box. The accident victim who is the claimant was carried to the hospital in a police vehicle and an FIR of the accident was also registered. Thereafter, a charge sheet has been filed against the driver, who is facing a trial. Besides, Dr.Vikram Singh (PW9) has proved the discharge certificate and the medical treatment given to the victim. As regards quantum, the Tribunal has carefully considered the relevant circumstances and has only given Rs.10,000/- on account of pain and suffering over and above the medical bills of Rs.90,535. Thus, we do not find any force in the submissions as above.

4. Hence, the FAO being devoid of merit is dismissed in limine.

(UMA NATH SINGH)
JUDGE

November 2, 2006
pk

(MAHESH GROVER)
JUDGE